

IN THE UNITED STATES BANKRUPTCY COURT

FOR THE

SOUTHERN DISTRICT OF GEORGIA
Statesboro Division

IN RE:)	Chapter 12 Case
)	Number <u>91-60249</u>
TOMMY TODD)	
)	FILED
Debtor)	at 9 O'clock & 34 min. A.M.
_____)		Date: 7-12-91

ORDER

Before the court is debtor's request to convert to Chapter 13. Debtor, Tommy Todd, originally filed his bankruptcy petition under Chapter 12 of the United States Bankruptcy Code. The Bankruptcy Code specifically provides that a debtor may convert from Chapter 12 to Chapter 7 [11 U.S.C. §1208(d)]; however, §1208 makes no specific provision for converting from Chapter 12 to Chapter 13. Section 1208(e) implies a Chapter 12 case may be converted to any other chapter if "the debtor may be a debtor under such chapter. 11 U.S.C. §1208(e). See 5 Collier on Bankruptcy §1208.1[5] (L. King 15th ed. 1991). Thus, if this debtor is eligible to file a Chapter 13 petition, he may convert his case as requested.

11 U.S.C. §109(e) sets forth the requirements for filing a bankruptcy petition under Chapter 13. That section provides that an individual with regular income may file under Chapter 13

if the debtor has unsecured debt of less than \$100,000.00 and secured debt of less than \$350,000 00. This debtor's Chapter 13 schedules indicate that he receives regular income and that his unsecured and secured debts are within §109(e) requirements. Debtor is eligible to file for relief under Chapter 13. Accordingly, debtor's request to convert to Chapter 13 is granted.

JOHN S. DALIS
UNITED STATES BANKRUPTCY JUDGE

Dated at Augusta, Georgia
this 12th day of July, 1991.